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Explaining variation in the multiplicity of private social and environmental regulation: a multi-case integration across the coffee, forestry and textile sectors

Abstract: Amid concerns for a regulatory void in transnational fields, the principle of private regulation has become institutionalized. Many sectors have seen the emergence of multiple and overlapping standards. When comparing the sectors, there is considerable variation in standard multiplicity. We build on three institutional perspectives that have been put forward to explain the emergence of sustainability standards – the economic, idealist and political-institutional perspectives – to analyze the phenomenon of standard multiplicity. Each perspective reflects a different kind of action logic and is simultaneously present and accessible to various parties involved. Based on a cross-sector analysis of standards multiplicity in the forestry, coffee and textile sectors, this article seeks to make two contributions. First, whereas these three perspectives have been presented as competing, we propose that they are complementary in offering partial explanations for different episodes in the dynamics underlying standards multiplicity in different sectors. Second, whereas most studies have analyzed standard setting in single sectors and thus have understood it as being an intra-sector phenomenon, our cross-sector analysis of the dynamics of standard setting suggests that it is propelled by both sector-specific contingencies and experiences as well as by the experiences from other sectors.

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1 Introduction

Amid concerns for a regulatory void in transnational fields, the principle of private regulation has become institutionalized over the last decade. However,

the precise form of these regulations has been left to debate and experimentation. As a result, a number of overlapping local and transnational standard setting experiments have emerged to address the social and environmental issues in various sectors.¹ Some of these “sustainability” standards are generic in providing broadly defined guidelines for responsible behavior (e.g., the UN Global Compact) or standardized yet evolving frameworks for non-financial reporting (e.g., the Global Reporting Initiative). Most of them are sector specific and focus on particular issues, such as labor and worker rights, fair trade, protection of the natural environment, and good governance. Many sectors have seen the emergence of multiple standards that address the same issues, such as the forestry, textile and coffee sectors.² When comparing them, it becomes clear that there is considerable variation in standard multiplicity. In some, there is continued fragmentation, such as in textile, whereas in other sectors attempts at consolidation and coordination have been more effective, such as in coffee and forestry. Despite similar starting positions, private regulation has had starkly divergent outcomes across different sectors. Rather than constituting a unified attempt to govern transnational arenas, the privatization of regulation in these and other sectors is characterized by both differentiation and integration.

The multiplicity of social and environmental standards begs important questions about the evolution of private governance. How might we understand, then, that various sectors diverge in how private regulation through standard setting has taken shape? In this paper, we build on three different institutional perspectives that have been put forward to explain the emergence of “sustainability” standards: economic, idealist, and political institutionalism. We use these perspectives to analyze the phenomenon of multiple standards in three sectors – forestry, coffee and textile – to find that they illustrate different trajectories: continued fragmentation in textile, emerging cooperation in coffee, and consolidation in forestry. By analyzing their dynamics, we seek to explain the variations in standards multiplicity.

The paper is organized in the following manner. Next, we characterize three institutional perspectives that have been used to analyze standard setting. Then, we recount the dynamics of standard setting in the coffee, forestry and textile sectors. The analyses are based on previously published studies and materials. On the base thereof, we show how similar starting points resulted in different dynamics and outcomes. We seek to explain variations in the multiplicity of standards through the lenses of economic-institutional, idealist-institutional, and political-institutional perspectives. We conclude by making two contributions.

¹ Vogel (2008); Tamm Hallström and Boström (2010).

² Fransen (2011); Reinecke, Manning, and Von Hagen (2012).

First, whereas these three perspectives have been presented as competing, we propose that they are complementary in offering partial explanations for different episodes in the dynamics underlying standards multiplicity in different sectors. Second, whereas most studies have analyzed standard setting in single sectors and thus have understood it as being an intra-sector phenomenon, our cross-sector analysis of the dynamics of standard setting suggest that it is propelled by both sector-specific contingencies and experiences as well as by the experiences from other sectors.

2 Triple certified? Competing theoretical perspectives on standards multiplicity

Social and environmental standards have been defined as a set of “voluntary pre-defined rules, procedures, and methods to systematically assess, measure, audit and/or communicate the social and environmental behavior and/or performance of firms.”³ Their aim is to have firms internalize social and environmental externalities, such as unsafe working conditions or environmental pollution, often in a transnational setting.⁴ They are a form of private regulation based on the codification of particular standards that are often complemented by the monitoring of how well these standards are effectuated and also, on occasion, by a certification scheme that asserts compliance. Adherence to such standards is said to be voluntary, meaning that participation is not mandated by state regulation. In this sense, such standards are “non-state driven.”⁵ Nevertheless, states – perhaps more so in Europe than in North America – have stimulated and supported their development and promulgation. Although some definitions of standards exclude firm-specific schemes, such as corporate codes of conduct,⁶ these are relevant to consider in an analysis of the trajectories of standard setting, as they are forms of private regulation that are proposed to address social and environmental issues.

Various institutional perspectives offer relevant starting points for addressing the multiplicity of standards by recognizing that standards are themselves institutions that (seek to) regulate economic behavior. Yet, standards – how they are formulated and the impact they may or may not have on economic behavior – are also the product of agency. This duality of structure and agency, of enabling

³ Gilbert, Rasche, and Waddock (2011: p. 24).

⁴ Prakash and Potoski (2007).

⁵ Bernstein and Cashore (2007).

⁶ E.g., Brunsson, Rasche, and Seidl (2012).

and constraining economic behavior, is the domain of institutional theorizing writ-large. Three different institutional perspectives have been used to explore the emergence of sustainability standards: an economic-institutional, an idealist-institutional and a political-institutional perspective. Typically they have been considered as offering competing explanations.⁷ For example, why there are multiple standards in a particular sector in the first place, and how a multiplicity of standards may continue to persist over time, might be puzzling from the economic and idealist-institutional perspectives, but not from a political-institutional perspective. Below, we first characterize these perspectives in general terms and then we extend their use by focusing on what they might have to say about the multiplicity of standards. Table 1 summarizes that discussion.

In general terms, institutional perspectives seek to explain the course of events by assuming that actors follow a particular kind of “action logic” in

Table 1 Multiplicity of standards examined from three institutional perspectives.

	Economic institutional	Idealist institutional	Political institutional
Explanation of the Emergence of Standards	Collective action problem to industry posed by consumer mobilization	Articulation of social movement preferences	Negotiated settlement that arises out of conflicts involving states, NGOs and firms
Expectation about the Persistence of Multiple Standards	Somewhat likely, in the case where markets are strongly segmented, or for reasons of brand differentiation	Unlikely, even if standards address different ideals, possible to the extent that they address different issues	Likely, to the extent that material, cultural, or ideological interests remain irreconcilable
Pressure for Convergence or Reduction in the Number of Standards	Strong, due to incentives for cost reduction and convergence of markets	Strong, due to convergence of underlying norms	Weak, due to divergence of material, cultural, or ideological interests
Examples	King and Lenox (2000); Reinecke, Manning and von Hagen (2012)	Overdevest (2010); Scherer and Palazzo (2007); Rasche and Kell (2010)	Fransen (2011); Bartley (2007)

⁷ cf. Bartley (2007); Bartley (2011); Fransen (2011).

decision-making.⁸ For example, in the economic-institutional perspective, actors are depicted as economically rational beings – albeit restricted by a condition of incomplete information and bounded in their calculative abilities – that seek to gain a profit. Choice and decisions are made with an eye to the relative costs and benefits associated with various alternative courses of action. The action logic is one of “expected consequences,” expressed in economic terms. The idealist-institutional perspective highlights a different action logic in decision-making, one that is based on “appropriateness,” i.e., on an evaluation of the current situation in relation to a normative perception of how the situation should be. Typically, actors follow rules if they feel that rules are legitimate; otherwise they may seek to change them. This perspective is “idealist” because it emphasizes how decision-making is informed by ideals. The third, political-institutional perspective shares the action logic of the economic-institutional perspective as based on expected consequences for oneself. However, rather than being universal in the sense that economic actors, *ceteris paribus*, informed by economic calculus would make the same choices, it is situational and contingent in the sense that what is perceived to be in one’s interest in a particular situation, and how one might pursue it, is informed by the history leading up to that situation and by the ways in which other actors have or are expected to make their choices.

2.1 Economic institutionalism

According to the economic-institutional perspective on the emergence of standards, “firms create certification systems to solve problems in the market – a view rooted in a conception of institutions as solutions to collective action problems.”⁹ It has been argued that the mobilization of consumer concerns creates a collective action problem to firms in the industry related to reputation, information, and competition. Standards offers three solutions to this problem: they protect the reputations of firms in the industry from free-riders, especially if firm reputations depend on the reputation of the industry; they generate credible information about conditions in the extended supply chain, especially if the supply chains of firms are highly interconnected; and they help firms to maintain their competitive positions by preventing the undercutting of costs and by justifying price differentials in the marketplace, especially when meeting consumer concerns is costly.¹⁰

⁸ March and Olsen (1989); Whelan et al. (2013).

⁹ Bartley (2007; p. 307).

¹⁰ Bartley (2007).

Although this perspective is appealing to explain the emergence of standards *per se*, it is less evident how it might explain the emergence and persistence of standards multiplicity. Multiple standards may emerge when a market is segmented in such a way that there are two or more clearly defined clusters of firms, each facing a unique collective action problem. Industry heterogeneity, e.g., in terms of customer demand and geography, leads one to expect that multiple standard setting initiatives are taken.¹¹ For example, new standards might be developed in response to the particular concerns of various consumer groups, and hence a “partitioning” of the market into different segments might ensue that allows each of them to express their specific concerns as global citizens.¹² Yet such partitioned markets need not be stable, as competitive strategies, such as market development and differentiation, may increase competition among the multiple standards in the market.¹³ Dominant market players may enter the niches created around specific standards, and by increasing the market share of the standards they endorse, reduce the chances of survival for the others.¹⁴ Given that standards survive in a market if sufficient numbers of companies keep on endorsing them – depending ultimately on whether companies feel that continuing the endorsement of a standard pays off by attracting sufficient demand in the marketplace – market forces may also result in the disappearance of some standards.

Further, multiplicity of standards may erode the very solution that standard setting offers. Standards multiplicity creates confusion for consumers and additional costs for producers. While the existence of a standard is a way for consumers to gain information about the social and environmental performance of the company they are buying from, multiplicity of standards would seem to undermine this information, as consumers would no longer be able to differentiate and meaningfully choose between them.¹⁵ Producers – to the extent that they produce for different brands that have adopted different standards – may face the added cost of complying with multiple standards.¹⁶ Alternatively, they risk choosing standards that do not satisfy stakeholders and critics.¹⁷ Hence, there are pressures on producer firms, related to concerns about cost and demand, to reduce the number of standards. Yet, standards convergence might be difficult to

¹¹ Manning et al. (2012).

¹² Cashore (2002); Micheletti (2003); McCaffrey and Kurland (2013).

¹³ Reinecke, Manning, and Von Hagen (2012).

¹⁴ Sikavica and Pozner (2013).

¹⁵ Mueller, Gomes dos Santos, and Seuring (2009); Jamali (2010).

¹⁶ Mutersbaugh (2005).

¹⁷ Turcotte, Bellefeuille, and den Hond (2007).

achieve if the industry is characterized by complex horizontal and vertical power relations, or if vested organizational interests and sunk costs are high.¹⁸

From an economic-institutional perspective, it could be expected that there are some reasons for the existence of multiple standards in particular industries, but also that there are continuous incentives for standards convergence as well as competition between standards. This is likely to limit the number of standards that may thrive in a particular sector.

2.2 Idealist institutionalism

In the so-called “idealist institutional” perspective,¹⁹ standard setting is a normative attempt to structure markets by reducing and mitigating negative consequences of profit maximization. Standards are intended to affect the valuation of entities – firms, products, services – in the market,²⁰ and hence work *through* the market. They are based in social movements understood as “a set of opinions and beliefs in a population which represents preferences for changing some elements of the social structure and/or reward distribution of a society.”²¹ Once a firm adopts a standard, narratives are elaborated by both the firm and its critics. The tensions between these narratives – aspirational and assertive of good intentions; critical in pointing out decoupling, inconsistencies, and hypocrisy – create a dynamic that “can put subtle yet effective pressure on [the firm] to adopt gradually the principles of its critics”²² as embodied in the standard. In this way, the adoption of a standard is likely to be consequential for the firm. Within a group of companies, an additional mechanism is proposed to be at play, based on reputational competition that is fed by transparency and comparison. For example, the firms that endorse the UN Global Compact are expected to annually publish their improvements along a set of 10 principles; thereby the UN Global Compact aims to create the conditions under which firms will find themselves obliged to work toward ever higher levels of social responsibility.²³ In this perspective, standards are expressions of social movement preferences; they are performative because they change expectations.

¹⁸ Fransen (2011).

¹⁹ Fransen (2011).

²⁰ Dubuisson-Quellier (2013).

²¹ McCarthy and Zald (1977: pp. 1217–1218).

²² Haack, Schoeneborn, and Wickert (2012: p. 822).

²³ Rasche and Kell (2010).

In different parts of the world, as well as in the same location, ideational preferences may vary. The diversity of preferences therefore explains the emergence of multiple standards. However, following the “idealist institutional” logic, variation in the preferences, or norms, that underlie competing standards are likely to disappear over time as diffusion of ideas and social interaction across the communities that support the various standards result in the establishment of globally accepted minimum standards.²⁴ In addition, it is expected that over time, minimum standards will become increasingly stringent, as stricter standards are better valued and preferred in the market over less stringent standards, in a process of “ratcheting-up.”²⁵ If the least stringent standards fail to adjust their aspiration level upwards, they may disappear, because at some point in time they are no longer perceived to be credible. By implication, if the minimum level of acceptable norms rises over time, there is also an upward push on the more stringent standards to raise their aspiration levels, because their legitimacy advantage is eroded by the rise of minimum level of acceptable norms. Therefore, it can be expected that, over time, private regulation through standard setting becomes more effective as both the less stringent standards converge to the aspiration levels of more stringent standards and the more stringent standards feel a push to aim for higher aspiration levels. This, in turn, may reduce barriers for collaboration or even merger among standards. All in all, while the emergence of standards multiplicity can be explained in the idealist institutional perspective from initial variation in social movement preferences, it can be expected that over time the number of directly competing standards would slowly decrease.

2.3 Political institutionalism

This third perspective for understanding the emergence of standards views institutions as the outcome of political contestation.²⁶ It starts from the notion that economic orders and their governance need to be perceived as legitimate. But legitimacy can be and is contested, as it is intertwined with practices, power, and material, cultural and ideological interests. Hence, standard setting is a means for affirming legitimacy as it mediates between practices and their justification.²⁷ Thus, standards “are not reducible to corporate strategies but rather reflect the negotiated settlements and institution-building projects that arise out of conflicts

²⁴ Meyer (2010).

²⁵ Overdevest (2010).

²⁶ Bartley (2007); Fransen (2011).

²⁷ den Hond et al. (2007).

involving states, NGOs (non-governmental organizations), and other non-market actors, as well as firms.”²⁸ According to this perspective, three factors shape the emergence of private standards. First, standard setting depends on the presence of institutional entrepreneurs – NGOs, states, firms – that seek to restore or challenge legitimacy, or to escape hegemonic definitions of sustainability as proposed by dominant actors. Second, it involves embedded and complex processes of contestation, negotiation and bargaining, in which different parties have diverging interests. For example, firms typically prefer weaker commitments with minimal enforcement, while NGOs prefer stronger, more binding standards. Third, standard setting is more likely to occur when the type of governance it represents – private, non-state driven regulation – is in itself seen as a legitimate means of governing some economic order.

Considering the focus of this perspective on struggles for legitimacy and interest-based strategizing, a multiplicity of standards is likely to reflect a divergence of interests and inability to reach compromise on the material, cultural and ideological foundations of standards. For example, diversity in such interests between and among firms and NGOs would lead one to expect a greater level of standards multiplicity. Similarly, a lack of consensus between and among the parties involved about the issues at stake, leads one to expect a high degree of heterogeneity. Finally, the more the historical and current processes surrounding the establishment of the governance structure are characterized by conflict, the more heterogeneity should be expected.²⁹

3 Standard setting in three sectors

In order to better understand what explains differences in standards multiplicity in different sectors, we analyzed the dynamics of the emergence and evolution of multiple standards in the coffee, forestry and textile sectors. These sectors have been pioneering industries for the development of social and environmental standards, yet all show different trajectories in terms of standards multiplicity. The degree of multiplicity is low in the forest sector, average in the coffee sector, and high in the textile sector. Their relative maturity allows us to observe dynamics over time. These sectors have received considerable attention from researchers, which allows us to base our analysis on previously published studies and documents to identify the set of social and environmental standards in these

²⁸ Bartley (2007: p. 399).

²⁹ Fransen (2011).

sectors. We differentiate standards by their year of creation, promoters and criteria: which standards were created when and by whom? What is the context for standard setting? The remainder of this section recounts the dynamics of standard setting in the coffee, forestry and textile sectors.

3.1 Standards multiplicity in coffee: towards harmonization and collaboration

3.1.1 The structure and complexity of the value chain

Production in the coffee sector largely takes place in developing countries and is mainly exported to developed economies. Coffee production is highly fragmented: Two-thirds of coffee farmers are small-scale farmers. Large multinational companies (such as Nestlé, Kraft Foods, and Sara Lee) and coffee roasters (such as Smucker's, Strauss, Starbucks, and Tchibo), on the other hand, dominate trade, resulting in a high concentration of buying power. The coffee trade is one of spot markets with long-term contracts. Small-scale farmers are largely price takers selling to middle-men. Increasingly, coffee is traded through direct sourcing by comparatively few, consolidated major coffee buyers.

3.1.2 Trigger for private regulation

Between 1963, when the International Coffee Agreement (ICA) was founded under the auspices of the United Nations, and 1989, when the ICA was dismantled,³⁰ coffee trade was regulated by a system of export quotas intended to protect coffee-growing-regions from significant price fluctuations. Since then, there has been a downward pressure on coffee prices and high price volatility, which shifted economic power from coffee growers to roasters.³¹ All this has created particular challenges for the livelihoods of small-scale producers. Additionally, the promotion of large-scale coffee plantations since the so-called "green revolution" in the 1970s, created environmental problems related to soil erosion, pesticide-use, water management, and the destruction of wildlife habitats. In response to the liberalization of the coffee market and the encouragement of large-scale plan-

30 During the 1980s and under increasing pressure for market liberalization by the World Bank, the ICA gradually lost its legitimate role. Its members failed to re-negotiate the agreement in 1989.

31 Petkova (2006).

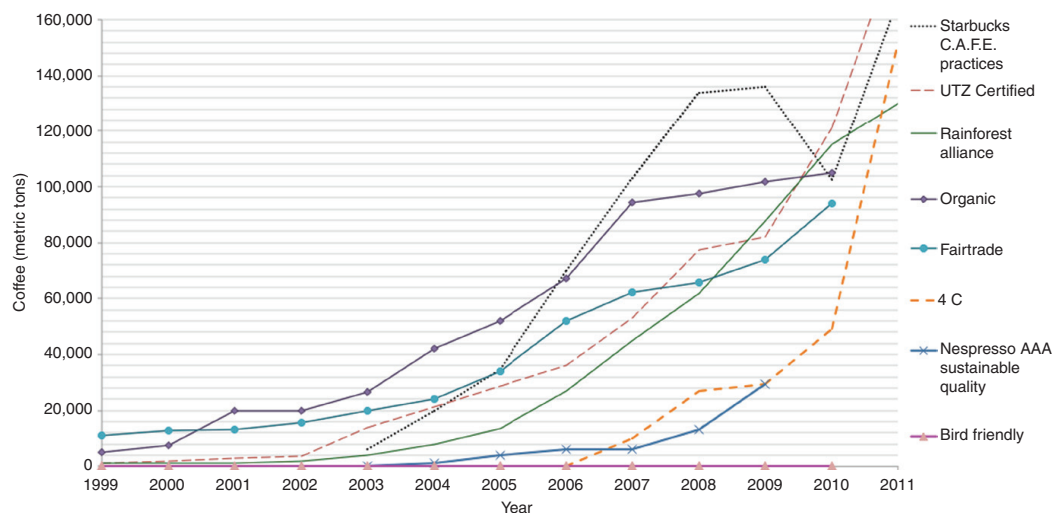


Figure 1 Evolution of certified coffee sales volumes.

Source: Updated from Reinecke, Manning, and von Hagen (2012). The data are from the standards organizations and were cross-checked with external publications.

tations, a number of private initiatives emerged to address these issues. After a slow start, the market for certified sustainable coffee has grown by around 20% annually since 2000 (according to estimates, it reached 16% in 2009). In the Netherlands, 40% of all coffee sold is certified and in the US it is 16%.³² The market for certified sustainable coffee has nevertheless remained fragmented (see Figure 1). At least eight major standards initiatives exist to date.

3.1.3 Pioneer standards: multiple NGO-led standards initiatives

Standards in the global coffee industry started with two parallel, rather independent standards initiatives which emerged through coalitions of activists, consumers and producers: Organic (established in 1972) and Fairtrade (established in 1989). The organic standard emerged from a coalition of activists fighting the increasing use of agro-chemicals and their harmful effects on the health of farmers and the environment. Fairtrade, by comparison, “resulted from a serendipitous convergence of different local initiatives in alternative commerce”³³ who pursued a political agenda of empowering small-scale farmers in the Global South. It is a composite of movements including the co-operative movement, which aims

³² <http://www.newforesight.com/sites/default/files/newforesight/TCC_CoffeeBarometer2012.pdf>. Accessed August 2013.

³³ Gendron, Bisaillon, and Otero Rance (2009: p. 64).

to develop a co-operative economy, the charity trade movement which has a religious background, the solidarity trade movement which is more political in opposing capitalism and neo-imperialism, and the developmental trade movement which is encouraged by international trade agencies and religious organizations to assist Southern producers.³⁴

Independent from the Organic and Fairtrade initiatives, a group of biologists and environmental activists fighting the destruction of Latin America's tropical rainforest established a conservation organization named the Rainforest Alliance which launched a standard for coffee producers in 1995. Around the same time, biologists at the Smithsonian Migratory Bird Institute conducting ornithological field research in Latin America created the "bird-friendly" certification in 1996/1997 to protect the habitat of migratory birds. Both standards focused on environmental aspects, in particular the importance of shade-grown coffee production.

3.1.4 Follower standards: the coffee industry's response

In response to fierce battles and campaigning by social movement activists and consumers against well-known coffee brands,³⁵ sustainability became a concern to many mainstream operators. In the late 1990s, coffee companies started to adopt social-movement-driven standards to better market their brands. But they also developed their own codes of conduct and standards, such as UTZ Kapeh (co-founded by the Ahold Coffee Company in 1997 and renamed UTZ Certified in 2007) and Starbucks' C.A.F.E. Practices (in 2001), to address major incompatibilities with NGO-led standards. For example, NGO-led initiatives tend to favor small-scale producers who grow environmentally-friendly shade-grown coffee that preserves the natural habitat of tropical forests, yet many coffee roasters prefer to buy from large-scale plantations which do not fulfill the criteria of shade-grown coffee production. In 2004, the 4C Association – the administrator of the Common Code for the Coffee Community (4C) – was established as a sector-spanning membership association. Although its members are business firms and trade associations in the coffee sector, it is managed through a multi-stakeholder governance board that includes one NGO. The initiative was heavily pushed by an agency of the German Ministry for Economic Cooperation and Development. Further company-driven initiatives include Nestlé's Nespresso's AAA Sustainable Quality Program (2005) and Illy's Responsible Supply Chain Process standard (2011).

³⁴ Low and Davenport (2005); Gendron, Bisailon, and Otero Rance (2009).

³⁵ Conroy (2007).

3.1.5 Dynamics: increased harmonization and collaboration among standards

Because producers are typically driven to adopt multiple standards in order to satisfy different buyers, calls for harmonizing implementation systems emerged to reduce the high costs of multiple certifications. In an attempt to unify the sustainability standards movement and give it credibility, the ISEAL Alliance was created (a meta-association and coalition of sustainability standards setters). ISEAL launched its “Code of Good Practice for Setting Social and Environmental Standards” in 2004. Among the 15 full members from various sectors at ISEAL, four are active in the coffee sector: two have been initiated by social movements – Fairtrade and Sustainable Agriculture Network – and two from the industry – UTZ and 4C. ISEAL plays an important role in turning competition into collaboration. For example, under the auspices of ISEAL in 2011, the three major coffee standards (Fairtrade, SAN/Rainforest Alliance and UTZ Certified) jointly declared that rather than competing, they “share the goal of transforming the world’s production systems.”³⁶ These words were increasingly put into practice by developing collaborative trainings, dual audits and dual certifications among these schemes. Moreover, 4C initially positioned its verification approach as an alternative to existing certifications. But its ambition to gain credibility as a full member of ISEAL Alliance required 4C to justify the need for another standard in the coffee sector to ISEAL. 4C subsequently re-positioned itself as an entry standard that would fully collaborate with existing standards by providing a step-up to more stringent certification. While initially regarding 4C as a competitor, the fact that UTZ Certified, SAN/Rainforest Alliance and Fairtrade have all joined ISEAL as members indicates how competitive relations were transformed into collaborative relations.

Despite increasing collaboration, strong ideological differences persist among standards promoters that prevent them from merging. One contentious issue is the treatment of small-scale farmers, which led to contestation within Fairtrade. In 2011, Fair Trade USA ended its membership with Fairtrade International (FLO) and launched an independent standard and certification system. The reason was that Fair Trade USA wanted to expand its standard to plantations and estates in coffee. FLO, in contrast, has insisted on limiting certification to coffee co-operatives. This ideological divergence over which types of producers should be favored reflects the ongoing dynamics of the standards market and points to the likely continuation of multiple social movement-led standards.

Some firms have adopted double-standards rather than give up on their own standards. For instance, Starbucks and Nespresso maintain their own standards

³⁶ See <<http://sanstandards.org/sitio/nnews/display/10>>. Accessed 19 February 2011.

in addition to endorsing Fairtrade and Rainforest Alliance, respectively; fairtrade and organic are also a popular combination.

3.1.6 Summary

In the coffee sector, multiple activist groups emphasizing different social and environmental issues pioneered multi-stakeholder standards. Standard setting was not an answer to a collective action problem in the industry. Rather, it was driven by the idiosyncratic goals and conceptions of sustainability of particular actors at particular times. Several dynamics are observed, including attempts at convergence – or perhaps better referred to as harmonization – among the social movement dominated standards that are related to concerns for coffee growers' cost levels, and repositioning of standards. Over time, the number of standards has grown, through the introduction of corporate specific codes and by the secession of Fair Trade USA.

3.2 Standards multiplicity in forestry: from national dualities to a global duopoly

3.2.1 The structure and complexity of the value chain

Forests cover about 4 billion hectares globally, 80% of which is under public ownership.³⁷ More than half of the world's forests are found in five countries: the Russian Federation, Brazil, Canada, US and China.³⁸ The value chain in the timber industry includes nursery, planting, harvesting, mills, transportation, processing and distribution.³⁹ Wood products and by-products include construction materials, furniture, paper and firewood. There are several types of organizations involved in the value chain: government departments, financial organisms, private companies and trade associations.⁴⁰

3.2.2 A pioneer local standard: ATFS fighting fire and governmental policies

In 1941, in the US, the National Lumber Association (later renamed the National Forest Product Association) launched the “American Tree Farm System” (ATFS),

³⁷ Food and Agriculture Organization of the United Nations (2010).

³⁸ Food and Agriculture Organization of the United Nations (2010).

³⁹ Aoudji et al. (2012); Espinoza, Buehlmann, and Smith (2012).

⁴⁰ Aoudji et al. (2012).

a program designed to address “the twin threats of forest fires and government regulation of private forestlands,”⁴¹ Owners of private forest lands considered that the taxation system encouraged clear cutting rather than silvicultural practice. Described as “the logical outgrowth of 50 years of agitation and propaganda for conservation,”⁴² the ATFS was popularized by powerful public relations campaigns including ceremonies, barbecues and tree farm queens.⁴³ It aligned public imagination with the aims of the conservationist movement, thereby “accomplishing a feat of indoctrination unparalleled in conservation history.”⁴⁴

However, the ATFS was criticized right from its inception. The US Forest Service’s official voiced his suspicion that “the real object of this campaign is to ward off public regulation.”⁴⁵ The program was initially focused on preventing fire losses by applying accepted fire protection techniques and ignoring other issues affecting the forestry sector including: soil erosion, conservation of wildlife and water supply protection. Furthermore, following a period of rapid expansion, some ATFS certified timberland owners were found to be not respecting the standard. A few years after its creation, the ATFS tightened controls and expanded its emphasis from fire protection to silvicultural practices. In 2012, more than 70 years after its creation, there were 27 million acres of ATFS certified forestland. It is an accredited certification body and it has been endorsed by the PEFC since 2008.⁴⁶

3.2.3 Trigger for a global private regulation: failure to reach inter-governmental agreement

In response to the pressing demands of environmental groups concerned with deforestation, in 1986, a group of tropical timber producing and consuming countries created the International Tropical Timber Organization (ITTO) under the auspices of the United Nations to explore a proposal for a timber certification. This proposal was rejected by the ITTO however.⁴⁷ Other efforts to develop an international framework of agreements to prevent deforestation followed, such as the proposal for a binding forest convention.⁴⁸ Despite the fact that it was on

⁴¹ See <<http://foresthistory.org/About/fhshistory.html>>. Accessed 20 March 2013.

⁴² Sharp (1949: p. 42).

⁴³ 17 million acres certified in 1949, Sharp (1949).

⁴⁴ Sharp (1949: p. 44).

⁴⁵ Sharp (1949: pp. 43–44).

⁴⁶ See <<http://www.treefarmssystem.org>>. Accessed 18 March 2013.

⁴⁷ Meidinger (2006).

⁴⁸ Cashore et al. (2007b).

the agenda of the 1992 United Nations Conference on Environment and Development, countries were unable to agree on the content of what was to be the Global Forest Convention (an international framework agreement meant to prevent the deforestation and illegal logging of tropical timber).⁴⁹ Later attempts at establishing international framework agreements in forestry were equally unsuccessful, such as the Intergovernmental Panel on Forests (IPF, from 1995 to 1997), Intergovernmental Forum on Forests (IFF, from 1997 to 2000) and United Nations Forum on Forests (UNFF, from 2000 to now). The failure to implement global forest management policies mainly stemmed from each country's right to decide on how it planned on managing the exploitation of its natural resources and its national sovereignty.⁵⁰

3.2.4 The FSC: a coordinated NGO-led standard initiative at the global level

To bypass setbacks in inter-governmental negotiations, the protagonists turned to the market and self-regulation. In 1989, the Rainforest Alliance created the "SmartWood" standard.⁵¹ Major environmental and social NGOs entered into an alliance with a number of forestry companies, retailers, governments, the World Bank and philanthropists. In 1993, the World Wildlife Fund (WWF), together with other environmental NGOs and a few businesses (small scale producers and high-end furniture manufacturers) from more than 25 countries created the Forest Stewardship Council (FSC) – which was officially launched in 1994.⁵² The International Federation of Organic Agriculture Movement (IFOAM) was used as a blueprint for this membership association.⁵³ As a certifying organization for certifiers, the FSC was meant to accredit certification organizations such as SmartWood⁵⁴ and expanded from solely focusing on the protection of tropical forest timber to include the protection of temperate and boreal forests.⁵⁵

The FSC has its critics including environmental groups such as FSC-Watch, that are concerned with the erosion of the FSC's reliability and doubt its capacity to protect forests and biodiversity,⁵⁶ and also, from the timber industry that found it too strict, costly and unpractical.

⁴⁹ Meidinger (2006); Cashore et al. (2007b).

⁵⁰ Cashore et al. (2007b).

⁵¹ Meidinger (2006).

⁵² Meidinger (2006).

⁵³ Dingwerth and Pattberg (2009).

⁵⁴ Meidinger (2006).

⁵⁵ Cashore, Auld, and Newsom (2004).

⁵⁶ Schepers (2010).

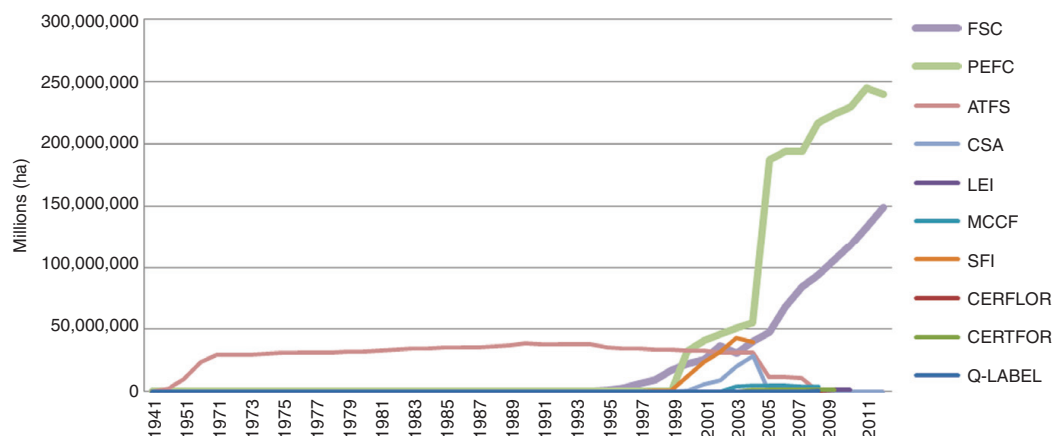


Figure 2 Evolution of the number of hectares of forest certified.

Source: Acreages were collected from certification organizations: FSC, SFI, CSA, PEFC, ATFS and others. These data were corroborated by comparing them to the data of the UN Food and Agriculture Organization (FAO), whose annual newsletters on the lumber industry include a chapter on forest certification; this prevents the double area calculation resulting from double certification or mutual recognition. Calculation of a specific standard stops when it joins the PEFC.

3.2.5 Follower standards: the timber industry's response

From the start, industry actors challenged the FSC. Its rigidity, high certification cost, lack of consideration for small producers and traditional forest practices, and its monopolistic pretensions, were criticized as trade barriers.⁵⁷ Producers prioritized national sovereignty and forest management autonomy. This resulted in a number of country-level initiatives.⁵⁸ In the US, the American Forest and Paper Association (AF&PA) implemented the Sustainable Forestry Initiative (SFI, in 1994) “as a direct response to the creation of the FSC” and “to address the polarized atmosphere that had developed in the US over forestry issues.”⁵⁹ Likewise, in Canada, members of the Canadian Pulp and Paper Association (renamed the Forest Products Association of Canada, in 2001) and various forest producers formed the Canadian Sustainable Forestry Certification Coalition, in 1994. In Europe, in 1999, forest owners and forest product corporations established their own program, the Pan European Forest Certification Council (PEFC). Other countries also began industry initiated certification organizations⁶⁰ including the Brazilian Certification System (CERFLOR), Swiss Q-Label, Chilean Certifica-

⁵⁷ See <<http://www.unece.org/forests/docs/rev-98/y-rev98.html>>. Accessed August 2013.

⁵⁸ Auld and Cashore (2012).

⁵⁹ Cashore, Auld, and Newsom (2003: p. 232).

⁶⁰ Auld, Gulbrandsen, and McDermott (2008).

tion System (CERTFOR), UK Woodland Assurance Scheme (UKWAS), Malaysian Timber Certification Council (MTCC), Finnish Forest Certification System (FFCS), Australian Forestry Standard and Lembaga Ekolabel Indonesia (LEI).

As shown in Figure 2, since the late 1990s, the area of certified forest has multiplied, from 1 million hectares in 1996 to 360 million hectares in 2010 (about 9% of the world's forests).⁶¹ In part, this was the result of a strategic alliance between the World Bank and the WWF to have 6% of the world's forests certified by 2005.⁶² However, national certifiers have certified even larger areas, such as CSA and ISO in Canada, and SFI in the USA. Yet, certification remains concentrated in the northern hemisphere, with 58% of certified forests being in North America and 33% in Europe.

3.2.6 Dynamics: the emergence of a duopoly

The PEFC, the SFI, the CSA and other national standards have been working on mutual certification recognitions. In 2004, the PEFC recognized the certification schemes of Australia and Chile, the first non-European countries to have their criteria recognized. During that same year, the SFI in the US and the CSA in Canada became PEFC representatives in North America.

A second phase of harmonization began when the PEFC then changed its name and became the Program for the Endorsement of Forest Certification and worked on establishing itself as an umbrella organization for national certification organizations. In 2000, the PEFC recognized certification systems in six European countries and in 2012, it recognized those of 30 countries⁶³ including the American SFI (2005) and ATFS (2008) certifications, the Canadian CSA (2005) certification and almost all national certifications developed since 1993, as well as ISO 14001 and ISO 14061. Over the same period, the FSC recognized 18 national organizations and 36 national criteria schemes on the basis of their principles.⁶⁴

Environmental NGOs were key stakeholders in stimulating demand for certified wood. As of the late 1980s, pressure from environmental NGOs on distributors and retailers contributed to the adoption of certification by brands and retailers. For instance, Home Depot in North America adopted the FSC; B&Q in

⁶¹ Food and Agriculture Organization of the United Nations (2010).

⁶² See <http://www-wds.worldbank.org/external/default/WDSPContentServer/WDSP/IB/2002/09/24/000094946_02090604090781/Rendered/PDF/multi0page.pdf>. Accessed August 2013.

⁶³ See <http://www.pefc.org/images/stories/documents/Brochures/PEFC_Profile_2012.pdf>. Accessed August 2013.

⁶⁴ See <<http://fscscanada.org/factsandfigures4.htm#FSCCanICstats>>. Accessed 20 March 2011.

Europe and superstores such as Staples and IKEA adopted procurement policies for certified products.⁶⁵ In 2002, Time Inc., the editor of Time magazine and more than one hundred other magazines worldwide, set out to increase the use of paper stemming from certified forests from 25% to 80% in 2005.⁶⁶ Public procurement policies further contributed to this adoption. For example, the UK Government's timber procurement policy requires that all timber and wood-derived products must be from legal and sustainable sources that are independently verified through FSC or PEFC certification. Similarly, the use of FSC-certified timber is a performance criterion of the LEED (Leadership in Energy and Environmental Design) construction certification of the US Green Building Council.

Environmental NGOs were also very active in defending what they perceived as the superiority of the FSC and encouraged other sustainability schemes to strengthen their criteria. The FSC is also a founding member of the ISEAL alliance, an organization created in 2002 that, among other activities, established the credibility principles for sustainability standards.⁶⁷ In 1999, responding to a claim that SFI scheme was equivalent to FSC, Home Depot ordered an independent study that concluded that FSC was superior to SFI (SFI then subsequently revised its program substantially).⁶⁸ Later, the WWF and the World Bank have formed the Forest Alliance, which have published an analysis presenting the FSC as a superior standard compared with the PEFC.⁶⁹ Swedish and Finnish studies came to the same conclusion and pushed the PEFC to meet the FSC standard.⁷⁰

3.2.7 Summary

In forestry, private regulation began early on in the US, with an initiative by the industry's small owners' segment. Several decades later, a multi-stakeholder initiative with global ambitions was instigated by environmental NGOs. The FSC's focus was initially on tropical timber but later increased its scope. This in turn, was followed by a range of national industry-led standards. After a period of fragmentation, industry-led standards consolidated their efforts which resulted in a duopoly between the industry-led PEFC and the NGO-led FSC. Both standards cover similar issues including a focus on environmental aspects, however, other

⁶⁵ Cashore et al. (2007a).

⁶⁶ Tysiachniouk (2013).

⁶⁷ See <<http://www.isealliance.org/about-us/our-history>>. Accessed 4 September 2013.

⁶⁸ Overdevest (2010).

⁶⁹ See <http://siteresources.worldbank.org/EXTFORESTS/Resources/FCAG_WB_English.pdf>. Accessed August 2013.

⁷⁰ Overdevest (2010).

issues such as the health and safety of workers and community relationships are also important. To promote the adoption of FSC, activist groups pressured distributors and published information to discredit the PEFC.

3.3 Standards multiplicity in textile: a fragmented landscape

3.3.1 The structure and complexity of the value chain

In the textile sector, the development of global value chains, controlled by multinational brands and retailers, pushed supplier companies to become more flexible in their operations: they had to meet short-term and rapidly shifting market demands regarding the quantity and quality of products while minimizing production costs and delivery times. These are structural conditions that affect working conditions in their factories. The reputations of several brands and retailers in the industry were tarnished as activist groups and the media exposed the working conditions at their subcontractors' production facilities in the USA and abroad (most notably in Latin America and South and South-East Asia). Standard-setting has been an important way for firms and activists to improve the working conditions at subcontractors' production facilities.

3.3.2 Trigger for private regulation

Standards on labor conditions date back to the 1970s when the OECD's Guidelines for Multinational Enterprises and the ILO's Tripartite Declaration of Principles Concerning Multinational Enterprises were negotiated and accepted by national governments. In many countries, these principles were included in labor law, but often they were not enforced. When local labor unions – repressed as they have been in many countries and the special economic zones where production is concentrated – had little success in improving the workers' labor conditions, international labor union movements – such as the International Textile, Garment and Leather Worker's Federation – as well as anti-sweatshop activist groups, started to put pressure on American textile companies to adopt more socially responsible business practices from the late 1980s onwards. Throughout, the ILO principles have become a major point of reference in the discussions about labor conditions in the textile industry.⁷¹ In this context, standard setting has been a major approach to addressing the issues.⁷²

⁷¹ Hassel (2008); Fransen (2011).

⁷² O'Rourke (2004).

3.3.3 Pioneer standards: company code of conducts

Initially, codes of conduct were developed by single firms to guide their own practices as well as those of their partners, suppliers and subcontractors. In the early 1990s, corporations such as Levi's, Nike, and Reebok, introduced their own corporate codes of conduct. By way of illustration, Nike reacted to negative media coverage by drafting and adopting a code of conduct (The Nike Code of Conduct) the same year that Levi's introduced its code, which also applied to its suppliers. Yet again, the same year, in reaction to these initiatives, Reebok, Nike's main competitor, developed its Human Rights Production Standard – a code very similar to that of Nike. However, these codes were not considered to be very effective. When attempts to develop binding labor standards in the GATT negotiations failed, both industry associations and multi-stakeholder initiatives started to develop standards in the mid-1990s; whereas the first of the former initiatives had little success – notably the Coalition of Apparel Industries in California – the latter were more successful.⁷³

3.3.4 Follower standards: industry associations and multi-stakeholder initiatives

In May 1995, the Clothing Manufacturers' Association of the US and the Amalgamated Clothing Textiles Workers' Union signed a seminal agreement on the application of a code of conduct to be implemented on a national scale in companies and among subcontractors. This code established minimum standards for wages, working hours, child labor, the right to associate, non-discrimination, and health and safety. Similarly, the American Apparel and Manufacturer Association, American Apparel and Footwear Association among other business associations, created a code of conduct entitled WRAP, the Worldwide Responsible Apparel Production (introduced in 2000). The aim was to create an environment in which the US manufacturing industry could operate competitively within the globalized economy while establishing minimum standards for work conditions among suppliers and subcontractors. It claims to be the largest labor and environmental certification program in manufacturing. This certification program focuses on the respect of local workplace laws.⁷⁴

Given increasing doubts about the effectiveness of unilateral, self-enforced codes of conduct, the textile industry showed an increasing trend towards

⁷³ Bartley (2007)

⁷⁴ See <<http://www.wrapapparel.org/en/about-us>>.

multi-stakeholder standards that are applicable across multiple firms and monitored by third-party certifiers. The first generation of multi-stakeholder standards was designed in partnership between activists groups and firms. They include the Fair Wear Foundation (FWF, Netherlands, established in 1995), Fair Labor Association (FLA, USA, established in 1995), Social Accountability International (SAI, American-European, established in 1996) and the Ethical Trading Initiative (ETI, UK, established in 1996).

The creation of the Fair Labor Association (FLA), a network of companies, human rights and labor organizations, and colleges and universities, illustrates how political contestation among stakeholders may trigger the creation of counter standards. The FLA precursor was the Apparel Industry Partnership (AIP), which was funded by the US government and crafted by NGOs and companies.⁷⁵ However, lack of consensus among all participants led to the exit of organized labor and one NGO in particular became a fierce critic. Frustrated with the influence of businesses in the governance process, student activists and the American trade union representatives set up the Worker Rights Consortium (WRC) in 1999 with the aim of excluding firms from the standard's governance and amplifying the voice of university representatives, labor experts, union representatives and NGOs.⁷⁶

Similarly, the parallel creation of industry-led governance initiatives can be attributed to the division between firms and labor activist groups over governance and implementation procedures. Direct targeting of brand producers by activists creates a confrontational atmosphere between NGOs and firms, and can discourage some firms from adopting NGO-sponsored initiatives.⁷⁷ Rather than settle conflicts conclusively or yield to the demands of activists, firms often find it more beneficial to sponsor their own, industry-controlled standards alongside activist standards.⁷⁸ Retailers' frustration over activist attacks by the Clean Clothes Campaign (CCC), in negotiation over the creation of a joint Fair Wear Foundation (FWF) led them to refocus their efforts on private regulatory solutions elsewhere.⁷⁹ This not only encouraged firms to create their own standards, but influenced the future willingness of firms to cooperate with NGO-sponsored standards. Many firms subsequently left existing initiatives to create industry-led and controlled initiatives including the Worldwide Responsible Apparel Production program (WRAP, USA, 2000) and the Business Social Compliance Initiative

⁷⁵ Bartley (2007: pp. 330–331).

⁷⁶ O'Rourke (2004); Fransen (2011).

⁷⁷ Sasser et al. (2006).

⁷⁸ Fransen (2011).

⁷⁹ Fransen (2012).

(BSCI, pan-European, 2004). Turcotte and colleagues showed how, in a particular conflict in the textile sector, contestants strategically promoted specific standards.⁸⁰ The contested company initially preferred an industry-led standard, while the activists felt that industry-led standards were lowering the bar and chose to pursue their campaign against the company until it adopted a socially-led standard.

3.3.5 Dynamics: attempts at harmonization and confrontation of two alliances

Firms and industry representatives have complained that the multiplicity of different schemes can create so-called “audit fatigue,” inefficiency, confusion about requirements, lack of transparency, lack of accountability, and higher costs for companies and their suppliers. In response, industry-led standards have begun to establish common platforms to harmonize the various, yet sometimes divergent codes of conducts and monitoring systems. The BSCI, for example, presents itself as a harmonization effort in order to avoid audit duplications within the same factory. Similarly, the Global Social Compliance Program (GSCP), a cross-industry platform for global retail, is a business driven program created “by and for global buying companies wanting to work collaboratively on improving the sustainability [...] of their often-shared supply base.”⁸¹

Despite increasing collaboration, disagreement among private governance organizations prevails and it impedes the establishment of common labor standards.⁸² As a result, both social movement-led and industry-led standards persist. The example of the textile industry shows that the dynamics among private governance organizations is largely based on strategic considerations; standards are developed as instruments to articulate to what extent and how labor conditions should be improved.

This analysis is further supported when we consider the fate of attempts at standards convergence. The Joint Initiative on Accountability and Workers’ Rights (JO-IN) was started in 2004, as an attempt by FLA, WRC, SAI, ETI, FWF and the CCC – i.e., standards supporters that are not dominated by business interests – to develop common standard for labor conditions and worker rights in the garment industry.⁸³ This was to be achieved through a pilot project

⁸⁰ Turcotte, Bellefeuille, and den Hond (2007).

⁸¹ See <<http://www.gscpnet.com/>>. Accessed 30 October 2012.

⁸² Fransen (2011).

⁸³ Fransen (2011).

intended as a learning process. However, there are various reasons why JO-IN failed to realize its initial objectives: conflict among some of its partner organizations, as well as successful attempts by BSCI to co-opt SAI at upgrading its own standards to SAI demands, and the emergence of further private initiatives specifically aimed at facilitating information exchange on the multiple audit efforts made at factories (SEDEX and GSCP).⁸⁴ Despite its limited success, JO-IN indirectly led to two informal alliances among standards: one regrouping more business-controlled standards; the other regrouping standards that are more controlled by social movements as well as retail-focus firms. These two groups diverge on issues such as living wages, processes of auditing and monitoring, and procedural control. They converge on issues such as discrimination, forced labor and child labor.⁸⁵

3.3.6 Summary

In the textile industry, social activists pressured brand companies through “naming and shaming” campaigns, to which corporations responded by advancing corporate codes of conduct. This was followed a few years later by multi-stakeholder initiatives (MSIs) supported by activist groups and industry-led standards. Throughout this period, individual firms continued to develop their own codes of conduct. Disagreement over the governance of these MSIs – – influence was considered to be too substantial or not substantial enough – led to the creation of unilateral standards: BSCI and WRC. Failure to consolidate the MSI and social movement-led standards through the joint initiative JO-IN resulted in a landscape of multiple, largely overlapping, codes of conducts and multi-stakeholder standards that continue to be fragmented.

4 Analyzing the dynamics of variation in the multiplicity of standard setting

The trajectories of standard setting in these three sectors had different outcomes despite similarities in the initial standard setting conditions. Table 2 summarizes these observations.

⁸⁴ Fransen (2011).

⁸⁵ Fransen (2011).

Table 2 Similarities and differences between the three cases.

	Coffee	Textile	Forestry
Global regulatory context	Break-down of the ICA and liberalization of coffee markets	Failures to enforce intergovernmental agreements (ILO) and to create an international framework	Failure to create an international/ UN framework to prevent deforestation
Industry structure	Concentration of power at retailer/ roaster/exporter level. Fragmentation at producer level	Fragmentation at producer, retailer, and manufacturer level	Majority of forest land under State ownership. Several large and many small logging companies. Large loggers are integrated into processing
Pioneers standard	NGOs, in multiple localized experiments	Multiple single-firm codes of conducts	National industry initiative in USA; isolated NGO standard; NGO-led MSI coalition
Follower standards	Industry actors introduce less strict codes of conducts as well as multi-stakeholder standards (4C)	NGOs introduce stricter MSI based standards; emergence of industry-led standards (WRAP)	Industry and governmental actors introduce less strict standards (SFI, PEFC)
Cooperation among standards	Increased cooperation through ISEAL	JO-IN attempts to consolidate failed	Consolidation of multiple industry codes through PEFC
Level of standards multiplicity	Partial consolidation (7–8 standards)	Continued fragmentation (>20 standards)	Quasi-duopoly (FSC and PEFC)

4.1 Similar starting points

The initial conditions for standard setting in these three sectors were quite similar. In all cases, global regulation to address social and environmental issues in these industries' global value chains presented challenges.⁸⁶ Under the influence of neo-liberal policies, global markets were liberalized and deregulated in the coffee

⁸⁶ cf. Vogel (2008).

sector, which led to the breakdown of the ICA in 1989. Despite several attempts to negotiate intergovernmental forestry agreements, countries failed to establish an internationally binding framework. Several issues in the textile sector were covered by ILO agreements, which however many countries failed to implement. In all three cases, there were significant transnational governance gaps.

These governance gaps were, in all three cases, a reason for activist groups and NGOs to challenge the legitimacy of the industry over several contentious issues. Private regulation initiatives emerged under their pressure. In the coffee sector, there was a rapid buildup of standards multiplicity in the late 1980s as various standard setting NGOs pursued diverging interests on the basis of different problem definitions. Yet, they struggled to gain market share. In the early 1990s, textile companies such as Levi's, Nike and Reebok were pioneers in adopting in-house corporate codes of conduct. Arguably, companies adopted them to neutralize criticism and to pre-empt NGOs from developing their industry standards. Here, multiplicity was the result of the most challenged companies seeking to defend their own positions in the marketplace versus competitors.⁸⁷ Yet, they had little effect in shielding themselves from criticism. The forestry sector was also heavily criticized by NGOs. It might be argued that standard setting in the forestry sector was influenced by the experiences of the coffee and textile sectors – the NGO standards in coffee struggling to gain market share, and the corporate codes of conduct in textiles failing to convince their NGO critics – such that the various parties in the forestry sector sought to develop private regulation on a different, a multi-stakeholder model. The multi-stakeholder model is analogous in process to the technical and managerial standards that had been institutionalized for a long time in many industries, and it builds on the logic of government-promoted industry self-regulation.⁸⁸ It may therefore have been a way for NGOs to introduce their concerns within a well-known format for firms, and for firms, it was an opportunity to channel NGO criticism.

4.2 Comparable dynamics

In each of these cases, initial standard setting was followed by the introduction of more standards promoted by other actors. In the coffee sector, some companies adopted NGO standards but, significantly, companies introduced their own, less stringent, corporate standards. In the textile sector, when the initial corporate

⁸⁷ Some attempts in the mid-1990s in the US to develop a collective response by firms in the industry failed to take hold (Bartley 2007: p. 328).

⁸⁸ Utting (2001).

codes of conduct were ineffective in reducing social movement pressure, industry standards as well as more stringent social movement standards were developed. In the forestry sector, following the apparent success of FSC, less stringent industry supported national standards were introduced in many countries. The number of standards increased in all cases.

The multiplication of standards does not only reflect variation in the issues addressed, but also variation in the level of stringency among standards that are overlapping in the issues addressed. Typically, industry-sponsored standards are easier to adopt and monitor than NGO and MSI standards, as the latter tend to insist on robust auditing mechanisms. Therefore, the introduction of industry-sponsored standards, if successful, may increase the risk of a “race-to-the-bottom.” The question of monitoring and auditing standards has thus come to the fore as a central concern that has been the subject of numerous controversies. In all three cases, NGOs have played a critical role in two respects. They were instrumental in driving demand for labeled and certified products by naming and shaming industry practices. And by challenging the legitimacy of industry-driven standards, they counteracted downward pressures and contributed to more stringent industry-driven standards.

4.3 Different outcomes

Despite their similar starting points and comparable dynamics, the three cases followed different trajectories which resulted in different outcomes that affected the level of standards-multiplicity in each sector: the emergence of a quasi-duopoly in forestry, a partial consolidation in coffee, and alliances but continued fragmentation in textiles. In each case, attempts were made to consolidate and harmonize standards, variously led by the industry, NGOs, or MSIs, and with diverging outcomes.

Several factors contributed to the convergence of standards in the forestry sector. The environmental movement coalesced behind the pioneering global forest standard FSC, thereby probably preventing the introduction of multiple NGO-led standards. Nation states and the forest industry reacted by proposing national or regional standards. The fact that these industry standards had a specific geographical basis in their countries of origin may have facilitated collaboration and their mutual recognition under the PEFC label. This led to duopolistic competition between the FSC and PEFC. Most large global forest corporations buy from producers that are certified by either PEFC or FSC. While the protection of forested areas and biodiversity are the main concerns of these standards, they also address other issues including relationships with local

communities and First Nations, as well as workers' safety; they are generalist standards.⁸⁹

In the coffee sector, the first standards were specialist standards. However, concerns over the rising costs from endorsing multiple standards for small-scale coffee growers have created pressure to harmonize standards.⁹⁰ Although the number of standards remained high – and with the secession of Fairtrade USA actually increased – the competition among multiple specialized standards has been transformed into collaboration through mutual adjustment and recognition, even if they have not converged into a common umbrella standard.

The most complex dynamics are observed in the textile sector. In comparison to the other two sectors, there is less agreement among the firms in the industry, nor among the social movements, about the modalities of standard setting. Some of the complexity is related to standards initiatives being geographically focused (North America versus Europe), some of it by disagreement among the NGOs about the role of firms in the governance of standards, and some by the responses of firms to social movement pressures. Industry collaboration – WRAP, BSCI, GSCP – has been more successful than collaboration among the NGO-led MSIs – JO-IN – and even able to co-opt some of the MSIs. Alliances have thus shifted.

5 Revisiting institutional explanations for standards multiplicity

As private regulation through standard setting has matured and multiple standards have developed, we were curious to see how multiplicity might evolve, and what might account for the variation in trajectories in the coffee, textile and forestry sectors. We compare the evidence from these sectors with the expectations from the three institutional perspectives, organized along the themes of initial standard setting activities, subsequent standard setting activities, and the number of standards (Table 3).

5.1 Initial standard setting activities

For a comparative discussion of initial standard setting activities across the three sectors, it is relevant to recapture the sequence of appearance and to consider both

⁸⁹ AFTS is an exception as it specializes in the management of forestry plantations.

⁹⁰ The organic and bird-friendly standards were not part of this process.

Table 3 Relevance of three institutional perspectives.

	Coffee	Textile	Forestry
Economic institutional	Initial: n.a. Subsequent: No organization of MSI because companies can organize their own supply Multiplicity: High – costs of multiple standards are borne by weakest actors in value chain	Initial: Company codes (collective action problem cannot be addressed collectively) Subsequent: n.a. Multiplicity: Highest – costs of multiple standards are borne by weakest actors in value chain	Initial: ATFS as collective action solution for a segment of the industry Subsequent: Creation of national industry standards (collective action response from industry) Multiplicity: Low – national standards coalesce under PEFC as costs of multiple standards are borne by powerful actors in value chain
Idealist institutional	Initial: Standards instigated by NGOs with different ideals Subsequent: Some companies adopt NGO standards Multiplicity: Harmonization efforts	Initial: n.a. Subsequent: Ambition levels increase among standards Multiplicity: Harmonization efforts	Initial: SmartWood instigated by NGO Subsequent: NGOs coalesce behind FSC Multiplicity: Harmonization among industry standards (PEFC)
Political institutional	Initial: n.a. Subsequent: Further standard setting activities by other parties; contestation among NGOS Multiplicity: High – sustained contestation among NGOs despite harmonization efforts	Initial: n.a. Subsequent: Further standard setting activities by other parties Multiplicity: Highest – sustained contestation despite harmonization efforts	Initial: FSC instigated as MSI Subsequent: Further standard setting activities by other parties Multiplicity: Continued contestation between FSC and PEFC

timing and proponents: in the coffee sector, the first standards were prepared in the early 1970s and in the late 1980; in the textile sector, it started around 1990; in the forestry sector – apart from the AFTS in the 1940s – standard setting initiatives that eventually became effective were prepared in the early 1990s. In each sector, different types of actors were involved in initial standard setting activities.

It was suggested from the economic-institutional perspective that standard setting is an industry-wide solution to a collective action problem that arises in the market. The ATFS standard may be a point in case. However, the evidence

from the coffee and textile sectors suggests that this is not a generalizable explanation; standards were also introduced by NGOs (coffee, the NGO-led MSI in forestry) and by individual firms (coffee, textile).

In the idealist-institutional perspective standards are created as an articulation of social movement preferences. In this perspective, a diversity of preferences would explain multiplicity of standards. This is clearly observed in the coffee sector, where multiple standard setting activities originated from NGOs advancing particular causes rooted in social movement preferences. In the forestry sector, the SmartWood standard, that was soon followed by the FSC, can be understood in this same light. Also, although it was instigated by social movements' organizations, the FSC was structured as a MSI, which is a governance structure that was promoted by social movements and that later became the norm. Subsequent standard setting in the coffee (4C) and textile (FLA) take this form. However, it is remarkable from the idealist-institutional perspective that there are hardly any other social-movement supported standard setting initiatives in the forestry sector, and also that initial standard setting activities in the textile sector did not come from NGOs.

In the political-institutional perspective, standard setting is a negotiation over the legitimacy of economic practices involving multiple parties: typically social movements challenge the industry legitimacy and the later attempt to restore it. Typically, therefore, standard setting takes the form of MSIs. One of the pioneer standards in forestry (FSC), as well as subsequent standard setting in the coffee (4C) and textile (FLA) take this form. The problem with this perspective is similar to that of the other two perspectives: it is not a generalizable explanation for all three cases.

How to make sense of this? We suggest that these three perspectives point out different reasons for initial standard setting activities, whose relevance is contingent upon sector conditions and dynamics. Further, we suggest that they are interdependent in the sense that standard setting activities are not only driven by intra-sector conditions and dynamics, but also by inter-sector dynamics. For example, it might be the case that industry structure offers more or less opportunity for NGOs to mobilize producers for their standards.⁹¹ The fact that a large number of small coffee growers trade via middlemen on spot markets may have facilitated the organization of certified supply; such opportunities were absent in the forestry and textile sectors. Hence, whereas it seems to be the case that initial standard setting in the coffee sector can be explained from the idealist-institutional perspective, it might not be just that. Idealist-institutional explanations of standard setting may depend on the presence of particular conditions

⁹¹ Schurman (2004).

that facilitate the transformation of ideals into activities. Considering that standard setting activities in the coffee sector preceded those in the textile and forestry sectors, and that the idea of certified coffee and food was somewhat successful in gaining market share – albeit not to levels that their supporters would find satisfactory – the very possibility of social movement standards may well have been perceived as a threat in other sectors. Thus, in the textile sector – the next sector where standard setting was introduced – the economic-institutional perspective would become more relevant, yet not to the point that a collective action problem could be overcome, characterized as this sector is by highly complex value chains and high levels of competition in consumer markets.⁹² Here, individual companies developed their own codes of conduct. This can be understood from the economic-institutional perspective, on the one hand as an attempt to pre-empt social movement standard setting, and on the other hand as a second best option given that a collective action solution was infeasible. Yet, these corporate codes remained insufficiently credible. Next, and a few years later, standard setting in the forestry sector was premised on these dual experiences, and hence the conditions had come into place that would favor standard setting on the basis of a negotiated common solution among all interested parties. The political-institutional explanation of standard setting may hence depend on the presence of conditions that stimulate parties to start negotiations and to be ready to accept compromises. Thus, the establishment of MSIs as governance structures for private regulation is not evident: the choice of an MSI as a governance structure for private regulation could only be made once experience had been gained with other types of standards. Moreover, in all three sectors public authorities were instrumental in the creation of MSIs, suggesting that participation in them may have required a bit of pressure.

5.2 Subsequent standard setting activities

In all three sectors, further standard setting activities are observed. In part, we argue, these can be explained by intra-sector dynamics, but the relative success of the initial MSI in the forestry sector eventually imposed this model of private regulation as the model to imitate. In turn, the greater say that NGOs obtained in the private regulation through their participation in MSIs invoked a sufficiently large threat for firms in the industry to eventually also develop a collective action solution – explained by the economic-institutional perspective.

⁹² Olson (2000).

Subsequent standard setting in the coffee and textile sectors was done by the “other” party, as expected by the political-institutional perspective. In the coffee sector, in addition to some brands adopting NGO standards – as what would be expected and hoped for in the idealist-institutional perspective – they also developed company specific codes of conduct. Arguably, the explanation would parallel the reasons why firms in the textile industry started to introduce codes of conduct: the NGO standards posed a threat in the market, but not strong enough to overcome the collective action problem created by competition among the brands. What needs to be explained in the coffee sector is why it apparently took so long before the MSI type of standard setting was attempted,⁹³ and why NGOs continued to introduce standards once the forestry MSI had become available. Perhaps it was precisely the feasibility of organizing their own supply, and hence a belief that there was no need for an MSI, that explains why MSIs remained absent in the coffee sector.

In the textile sector, NGOs were severely criticizing the corporate codes of conduct, yet unlike their counterparts in the coffee sector, they found little opportunity to organize a viable certified supply of “clean clothes.” Hence, once the MSI model in forestry became available, NGOs in the textile sector started to build on that model. A series of MSIs was introduced in the second half of the 1990s. Part of the multiplicity of MSI standards in the textile sector can be explained by geographical factors – some were concluded and operated within the North America, others in Europe – but for another part, it is a consequence of conflicts over the relative say and voice of NGOs versus firms in MSIs. For example, WRC was established out of dissatisfaction with the strength of industry voice in FLA, and industry interests coalesced in WRAP and BSCI. Interestingly, the precise governance structure of the various MSIs in the textile sector varies, but this is precisely what is to be expected from the political-institutional perspective. However, in the articulation of industry interests through WRAP and BSCI, the idealist-institutional argument that the ambition levels in standard setting would increase over time can also be observed.

In the forestry sector, the relative success of the FSC had two consequences for subsequent standard setting. First, it reduced the reasons for NGOs to look for alternative modes of standards setting. Second, it provided a reason for industry interests to seek a collective action, self-regulatory, solution, as expected from both the economic-institutional and the political-institutional perspectives. This occurred initially at the level of nation states, later on at the international level by the coalescing of national forestry standards under the PEFC umbrella.

93 ETI in the UK, 1998, was the first.

5.3 Number of standards

In both the economic and idealist-institutional perspectives, it was expected that the number of standards would slowly reduce over time. Whereas a reduction in the numbers of standards per sector was not quite observed, there were attempts at convergence and harmonization of standards. In the case of the forestry sector this led to the emergence of a quasi-duopoly. Further, it can be argued that the conflict that is central to the political-institutional perspective may also lead to convergence and harmonization of standards, notably when compromise is reached, for example, as a means to reinforce the position of one MSI coalition vis-à-vis another MSI coalition by convincing actors, whether NGOs or firms, to join (forestry, but also BSCI/SAI in textile).

In the economic-institutional perspective, there would be continuing pressures on the number of standards due to cost concerns and competitive positioning by firms. Three observations are in place. First, there is an association with the relative level of industry heterogeneity and the number of standards. Both are relatively higher in the textile sector than in the other two sectors. Yet, the proliferation of standards in the textile sector seems to be more related to idealist and political institutional factors than to economic-institutional factors, as NGO-led MSIs are behind various standards, and new standards have been proposed in response to existing standards.

Second, competitive dynamics have apparently failed to eliminate standards from the market. In all sectors, niche standards have survived despite marginal trade volumes or support. Instead of competition as a driver for reducing the number of standards, we have seen attempts at establishing cooperation between standards and other forms of “meta-standardization”⁹⁴ under the influence of public authorities. In the coffee sector, for example, German authorities were instrumental in the creation of 4C; in the forestry sector, convergence of national standards toward PEFC has been facilitated by the fact that national governments are the major owners of the land and have tight, long-term relationships with logging companies; in the textile sector, the Clinton administration was involved in creating FLA in an attempt to bring together the various industry and social movement actors that were fighting over the labor conditions in the industry. Such pushes for harmonization are unlikely to drive out standards; niche standards may increase legitimacy by associating with other standards.

Third, the cost of multiplicity was expected to play a role in reducing the number of standards. Apparently it did, but not in a straightforward manner.

⁹⁴ Reinecke, Manning, and Von Hagen (2012).

Typically the costs associated by multiplicity of standards are born by the producers: suppliers in the textile sector, plantation owners in the coffee sector, logging firms in the forestry sectors. The cost pressures to reduce the numbers of standards appear to be ineffective when they can be pushed down the value chain to weaker parties (as in textile); when they are borne by more powerful actors (as in forestry), it is more likely that the number of standards is reduced. The coffee sector is an interesting in-between case, as the attempts by ISEAL to harmonize standards can be interpreted a recognition on the part of the standard setters of the difficulties that small-scale growers have in bearing the costs of compliance.

Despite growing cooperation among standards, the level of sustained contestation among standards setters and adopters remains high enough to account for the preservation of the identity of individual standards. Even if meta-organizations such as ISEAL can promote harmonization and dissolve existing conflicts (as expected by the ideal-institutional perspective), deep-seated contestation on key issues is likely to sustain the co-existence of multiple standards (as expected by the political-institutional perspective). Resultantly, such efforts can also fail, as seen in the case of JO-IN. Contestation among social movement-led standards could also be seen as a form of “ideological” competition on a market for ideas for a sort of “moral authority.”⁹⁵ This is not a purely commercial way of competing, but it explains why different social movement standards are equally in competition with each other, as the separation of Fair Trade USA from Fairtrade International (FLO) indicates.

6 Conclusion

Based on a cross-sector analysis of standard setting in the coffee, forestry and textile sectors, we find that competition among private standards, a multiplicity of approaches, and fragmentation of initiatives are inherent parts of private regulatory regimes. Understanding the dynamics around standards multiplicity is therefore integral to understanding regulatory dynamics in the transnational governance field. This paper argues that there is no single dominant trajectory in the evolution of standards multiplicity in different sectors; rather governance arenas are shaped by a complex interplay of varying factors. Further, it argues that all three institutional perspectives on standard setting – economic-institutional, ideal-institutional and political-institutional – are relevant to understanding the dynamics around standards multiplicity. As the analysis above

⁹⁵ Shamir (2008).

showed, each perspective could be and was productively invoked in explaining episodes in the dynamics of standard setting in each of the three cases: at initial standard setting, in subsequent standard setting activities, and in sustaining the number of standards. Thus, claims about the supremacy of one perspective over another cannot be supported. Any claim about the validity of one perspective in explaining one episode of standard setting in one sector can be countered by pointing out a rival claim from another perspective on a similar episode in a different sector, and vice-versa. Neither do we believe that it is possible to specify under which conditions a particular perspective would be salient in explaining a particular episode of standard setting in some sector. Rather, we propose that each perspective reflects a different kind of “action logic” and that various action logics are simultaneously present and accessible to various parties involved – even if some parties may have a tendency to prefer one action logic over another. In this sense, they are complementary perspectives. This is one important insight that we developed by comparing standard setting in three different sectors.

Yet, how might they be complementary? We propose that standard setting – as an institutional practice – is performative but, at least in its early days, that it is also associated with uncertainties about its outcomes. Hence, it would trigger the articulation of various action logics – economic, idealist, and/or political institutional – in the context of a particular sector. Considerations of what would be appropriate or in one’s best interest – narrowly economic or broadly political – would be informed by sector-specific contingencies and experiences, as well as by the experiences from other sectors. This is a second important insight from our study.

By focusing on the multiplicity of standards in three sectors that by now have become relatively well-established, we had an opportunity to trace its dynamics. However, the standard setting in these sectors may have been shaped to a greater extent by institutional experimentation than in those in which standards were introduced more recently. While we suggest that cross-sector learning has taken place among the sectors in this study, we expect that cross-sector learning and imitation may even be more prevalent in the dynamics of standard setting in sectors such as cocoa, palm oil, sustainable building, or electronics. In these latter sectors, the dynamics of standard setting may be influenced even more by vicarious learning – facilitated by network contacts through ISEAL and similar meta-standardization initiatives – and mimetic isomorphism. It may thus be productive to investigate whether and how new sectors learn from, or are influenced by, standards trajectories in other sectors and to what extent this contributes to greater institutional alignment of private regulation.

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